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Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Trafficking in South East Asia

Society for Threatened Peoples is deeply concerned about the plight of the Rohingya refugees who are being smuggled and trafficked in the South East Asia region.

Between 2012/2013, more than 65,000 Rohingya left Myanmar in order to escape violence and persecution. Almost all of them are sheltered in refugee camps or detention centres in the neighbouring countries. The journey the Rohingya are forced to take is risky and perilous: the tiny, rickety boats are made for fishing, not for carrying people from a country to another. However, the Rohingya do not have any option in Myanmar but to flee.

The journey the Rohingya take is being made more dangerous by the absence of a legal status and by traffickers who are offering, under the payment of thousand dollars, a transport to neighbouring shores. Even though most of the Rohingya are willing to reach a Muslim majority country like Malaysia and Indonesia, the Thai beaches and the coasts of Bangladesh are the first and sometimes the last destination.

According to press agencies human trafficking network between Thailand and Bangladesh is serving the entire South East Asia region. The trafficking ring includes not only criminals but also police officers from Myanmar and other countries like Thailand, Bangladesh and India. The Rohingya are unable to move freely due to the lack of citizenship, however, with the payment of a bribe to the police, they are able to reach the coast and enter in contact with smugglers. Once on the coast, the Rohingya are boarded on wooden overcrowded boats, where they have to hide from naval authorities.

During the journey the Rohingya are forced to remain in the same position for days and are forced to bear violence committed by crew members. Women are separated from their male relatives and taken on the upper part from the boat where they are raped. Those who are asking for water are thrown overboard.

Once they land, a new nightmare begins.

The Rohingya taken to Thailand are brought to immigrant detention centres or sold to traffickers upon arrival. According to newspaper investigations, traffickers are paying Thai immigration officials around $300 for each Rohingya. Just a half-day's boat ride from the tourist haven of Phuket away there are several camps run by traffickers. The Rohingya are held in captivity in the camps until they are sold to fishing boats and farms as manual labourers or kept and beaten for ransom. The lucky ones are taken, for exorbitant sums, to their ultimate destinations Malaysia, Indonesia and even Australia. The Rohingya who don't have money to pay their release become commodities for human traffickers who are recruiting them to gain the trust of the Rohingya detained in the government centres across the country. Human traffickers, under the payment of a bribe to the Thai police, have free access to immigration detention facilities and to shelters operated by the government where they lure or abduct Rohingya. The criminal gangs use common schemes for luring victims into situations of trafficking such as the promise of a safe place to live, the reunification with the family, a job or even documents. Women and unaccompanied children willing to reunite with their relatives are the most vulnerable ones. They are deceived by men who promise them a free trip to the place where the family is or to Malaysia while in truth abduct them.

In Bangladesh the condition of the Rohingya refugees are miserable, registered and unregistered IDP camps are breeding grounds for criminality. Rohingya women, men and children are subject to sex trafficking, domestic servitude and forced and bonded labour.

Allegations of kidnapping and sexual violence in the IDP camps are common. However, the Bangladesh police do not investigate those crimes because they are perpetrated on stateless people. In Bangladesh, Rohingya women are targets not only of rapists but also of a prosperous bride industry and domestic servitude. Due to the extreme miserable life conditions, many Rohingya try to seek a better fortune crossing the border between Bangladesh and India.

Reaching India is not easy, the lack of a citizenship and the strict border authorities once again force the Rohingya to rely on traffickers and corrupt police.

In India and in Bangladesh the situation is not better; the Rohingya are forced into cheap labouring like walnut packaging factory in Indian-controlled Kashmir. At every police check point the Rohingya, lacking in documents, have to pay a high bribe, when they don't have money the police take women as payment or sent them to jail.

In Malaysia and Indonesia, two countries with a Muslim majority, human trafficking is also an issue. Once landed or intercepted, the Rohingya are taken to detention centres where all illegal immigrants are taken to. The detention centres are overcrowded, men are sleeping with tens of other detainees in one room and they are not allowed to go out of the room except for meals. Rohingya refugees have two options: wait to be registered with the UNHCR, a process that can take two to three years, or escape from the centres with the help of traffickers and corrupt police. Once out of the detention centres, the Rohingya have to rely once again on criminals because without documents and a legal status there are no concrete job opportunities. Those who find a job work in the informal sector, including irregular, low-paying menial work in construction, domestic positions, or in the local markets where they are unable to negotiate their wages and have no recourse if the employers do not pay them. Furthermore, most of the Rohingya still have to pay the smugglers who gave transported them; others are collecting money to allow their relatives to reach them.

Trafficking in human beings is a transnational crime and as such it requires not only the ratification of international laws and Conventions but also the cooperation and commitment of the entire international community. Having a strict human trafficking law is not enough. Countries like Thailand show that without the international collaboration, this odious crime cannot be fought. The human trafficking crime must be fought not only with ad hoc laws but also by meeting international standards, especially when it comes to human rights.

No Asian country mentioned is a signatory to the 1951 Refugee Convention. This is not an insignificant fact because without legal protection and international aid human traffickers are luring victims. However, also without adhering to the 1951 Refugee Convention, these states can provide the refugees a level of minimum protection that can guarantee them to not be returned to the country where they suffer gross human right violations.

The Rohingya are stateless, their legal limbo does not end once they cross the Myanmar border but continues in all countries where they seek safety. Without citizenship and without international protection, the Rohingya are easy prone to human traffickers.

Society for Threatened Peoples therefore calls on the Human Rights Council to call on the Government of Myanmar to:

- End immediately human rights violations and resolve the grievous situation of the Rohingya minority in the country
- Revise the citizenship law of 1982 in order to allow the Rohingya to apply for citizenship and fully take part in the democratization process of Myanmar
- Promote a reconciliation process between Buddhists and Muslims in Myanmar

Society for Threatened Peoples therefore calls on the Human Rights Council to urge the Governments of Thailand, Bangladesh, India, Maiaysia and Indonesia to:

- Ensure to refugees and asylum seekers a level of protection that meets the Universal Declaration of Human Rights and the 1951 Refugee Convention minimum standards
- Provide humanitarian aid and assistance to all those in need
- Provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship
- Increase existing efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees

Society for Threatened Peoples therefore calls on the Human Rights Council to urge the international community to:

- Collaborate and Cooperate to prevent and combat human trafficking
- Prioritize the protection of human rights when designing foreign policy toward Myanmar, Thailand, Bangladesh, India, Malaysia and Indonesia